



Rep. Julie Hamos

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09500HB4988ham003

LRB095 17571 RLC 49068 a

1 AMENDMENT TO HOUSE BILL 4988

2 AMENDMENT NO. _____. Amend House Bill 4988, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Juvenile Court Act of 1987 is amended by
6 changing Sections 5-410 and 5-710 as follows:

7 (705 ILCS 405/5-410)

8 Sec. 5-410. Non-secure custody or detention.

9 (1) Any minor arrested or taken into custody pursuant to
10 this Act who requires care away from his or her home but who
11 does not require physical restriction shall be given temporary
12 care in a foster family home or other shelter facility
13 designated by the court.

14 (2) (a) Any minor 13 ~~10~~ years of age or older arrested
15 pursuant to this Act where there is probable cause to believe
16 that the minor is a delinquent minor and that (i) secured

1 custody is a matter of immediate and urgent necessity for the
2 protection of the minor or of the person or property of
3 another, (ii) the minor is likely to flee the jurisdiction of
4 the court, or (iii) the minor was taken into custody under a
5 warrant, may be kept or detained in an authorized detention
6 facility. No minor under 12 years of age shall be detained in a
7 county jail or a municipal lockup for more than 6 hours.

8 (b) The written authorization of the probation officer or
9 detention officer (or other public officer designated by the
10 court in a county having 3,000,000 or more inhabitants)
11 constitutes authority for the superintendent of any juvenile
12 detention home to detain and keep a minor for up to 40 hours,
13 excluding Saturdays, Sundays and court-designated holidays.
14 These records shall be available to the same persons and
15 pursuant to the same conditions as are law enforcement records
16 as provided in Section 5-905.

17 (b-4) The consultation required by subsection (b-5) shall
18 not be applicable if the probation officer or detention officer
19 (or other public officer designated by the court in a county
20 having 3,000,000 or more inhabitants) utilizes a scorable
21 detention screening instrument, which has been developed with
22 input by the State's Attorney, to determine whether a minor
23 should be detained, however, subsection (b-5) shall still be
24 applicable where no such screening instrument is used or where
25 the probation officer, detention officer (or other public
26 officer designated by the court in a county having 3,000,000 or

1 more inhabitants) deviates from the screening instrument.

2 (b-5) Subject to the provisions of subsection (b-4), if a
3 probation officer or detention officer (or other public officer
4 designated by the court in a county having 3,000,000 or more
5 inhabitants) does not intend to detain a minor for an offense
6 which constitutes one of the following offenses he or she shall
7 consult with the State's Attorney's Office prior to the release
8 of the minor: first degree murder, second degree murder,
9 involuntary manslaughter, criminal sexual assault, aggravated
10 criminal sexual assault, aggravated battery with a firearm,
11 aggravated or heinous battery involving permanent disability
12 or disfigurement or great bodily harm, robbery, aggravated
13 robbery, armed robbery, vehicular hijacking, aggravated
14 vehicular hijacking, vehicular invasion, arson, aggravated
15 arson, kidnapping, aggravated kidnapping, home invasion,
16 burglary, or residential burglary.

17 (c) Except as otherwise provided in paragraph (a), (d), or
18 (e), no minor shall be detained in a county jail or municipal
19 lockup for more than 12 hours, unless the offense is a crime of
20 violence in which case the minor may be detained up to 24
21 hours. For the purpose of this paragraph, "crime of violence"
22 has the meaning ascribed to it in Section 1-10 of the
23 Alcoholism and Other Drug Abuse and Dependency Act.

24 (i) The period of detention is deemed to have begun
25 once the minor has been placed in a locked room or cell or
26 handcuffed to a stationary object in a building housing a

1 county jail or municipal lockup. Time spent transporting a
2 minor is not considered to be time in detention or secure
3 custody.

4 (ii) Any minor so confined shall be under periodic
5 supervision and shall not be permitted to come into or
6 remain in contact with adults in custody in the building.

7 (iii) Upon placement in secure custody in a jail or
8 lockup, the minor shall be informed of the purpose of the
9 detention, the time it is expected to last and the fact
10 that it cannot exceed the time specified under this Act.

11 (iv) A log shall be kept which shows the offense which
12 is the basis for the detention, the reasons and
13 circumstances for the decision to detain and the length of
14 time the minor was in detention.

15 (v) Violation of the time limit on detention in a
16 county jail or municipal lockup shall not, in and of
17 itself, render inadmissible evidence obtained as a result
18 of the violation of this time limit. Minors under 17 years
19 of age shall be kept separate from confined adults and may
20 not at any time be kept in the same cell, room or yard with
21 adults confined pursuant to criminal law. Persons 17 years
22 of age and older who have a petition of delinquency filed
23 against them may be confined in an adult detention
24 facility. In making a determination whether to confine a
25 person 17 years of age or older who has a petition of
26 delinquency filed against the person, these factors, among

1 other matters, shall be considered:

2 (A) The age of the person;

3 (B) Any previous delinquent or criminal history of
4 the person;

5 (C) Any previous abuse or neglect history of the
6 person; and

7 (D) Any mental health or educational history of the
8 person, or both.

9 (d) (i) If a minor 12 years of age or older is confined in a
10 county jail in a county with a population below 3,000,000
11 inhabitants, then the minor's confinement shall be implemented
12 in such a manner that there will be no contact by sight, sound
13 or otherwise between the minor and adult prisoners. Minors 12
14 years of age or older must be kept separate from confined
15 adults and may not at any time be kept in the same cell, room,
16 or yard with confined adults. This paragraph (d) (i) shall only
17 apply to confinement pending an adjudicatory hearing and shall
18 not exceed 40 hours, excluding Saturdays, Sundays and court
19 designated holidays. To accept or hold minors during this time
20 period, county jails shall comply with all monitoring standards
21 promulgated by the Department of Corrections and training
22 standards approved by the Illinois Law Enforcement Training
23 Standards Board.

24 (ii) To accept or hold minors, 12 years of age or older,
25 after the time period prescribed in paragraph (d) (i) of this
26 subsection (2) of this Section but not exceeding 7 days

1 including Saturdays, Sundays and holidays pending an
2 adjudicatory hearing, county jails shall comply with all
3 temporary detention standards promulgated by the Department of
4 Corrections and training standards approved by the Illinois Law
5 Enforcement Training Standards Board.

6 (iii) To accept or hold minors 12 years of age or older,
7 after the time period prescribed in paragraphs (d)(i) and
8 (d)(ii) of this subsection (2) of this Section, county jails
9 shall comply with all programmatic and training standards for
10 juvenile detention homes promulgated by the Department of
11 Corrections.

12 (e) When a minor who is at least 15 years of age is
13 prosecuted under the criminal laws of this State, the court may
14 enter an order directing that the juvenile be confined in the
15 county jail. However, any juvenile confined in the county jail
16 under this provision shall be separated from adults who are
17 confined in the county jail in such a manner that there will be
18 no contact by sight, sound or otherwise between the juvenile
19 and adult prisoners.

20 (f) For purposes of appearing in a physical lineup, the
21 minor may be taken to a county jail or municipal lockup under
22 the direct and constant supervision of a juvenile police
23 officer. During such time as is necessary to conduct a lineup,
24 and while supervised by a juvenile police officer, the sight
25 and sound separation provisions shall not apply.

26 (g) For purposes of processing a minor, the minor may be

1 taken to a County Jail or municipal lockup under the direct and
2 constant supervision of a law enforcement officer or
3 correctional officer. During such time as is necessary to
4 process the minor, and while supervised by a law enforcement
5 officer or correctional officer, the sight and sound separation
6 provisions shall not apply.

7 (3) If the probation officer or State's Attorney (or such
8 other public officer designated by the court in a county having
9 3,000,000 or more inhabitants) determines that the minor may be
10 a delinquent minor as described in subsection (3) of Section
11 5-105, and should be retained in custody but does not require
12 physical restriction, the minor may be placed in non-secure
13 custody for up to 40 hours pending a detention hearing.

14 (4) Any minor taken into temporary custody, not requiring
15 secure detention, may, however, be detained in the home of his
16 or her parent or guardian subject to such conditions as the
17 court may impose.

18 (Source: P.A. 93-255, eff. 1-1-04.)

19 (705 ILCS 405/5-710)

20 (Text of Section before amendment by P.A. 95-337 and
21 95-642)

22 Sec. 5-710. Kinds of sentencing orders.

23 (1) The following kinds of sentencing orders may be made in
24 respect of wards of the court:

25 (a) Except as provided in Sections 5-805, 5-810, 5-815,

1 a minor who is found guilty under Section 5-620 may be:

2 (i) put on probation or conditional discharge and
3 released to his or her parents, guardian or legal
4 custodian, provided, however, that any such minor who
5 is not committed to the Department of Juvenile Justice
6 under this subsection and who is found to be a
7 delinquent for an offense which is first degree murder,
8 a Class X felony, or a forcible felony shall be placed
9 on probation;

10 (ii) placed in accordance with Section 5-740, with
11 or without also being put on probation or conditional
12 discharge;

13 (iii) required to undergo a substance abuse
14 assessment conducted by a licensed provider and
15 participate in the indicated clinical level of care;

16 (iv) placed in the guardianship of the Department
17 of Children and Family Services, but only if the
18 delinquent minor is under 13 years of age;

19 (v) placed in detention for a period not to exceed
20 30 days, either as the exclusive order of disposition
21 or, where appropriate, in conjunction with any other
22 order of disposition issued under this paragraph,
23 provided that any such detention shall be in a juvenile
24 detention home and the minor so detained shall be 13 ~~10~~
25 years of age or older. However, the 30-day limitation
26 may be extended by further order of the court for a

1 minor under age 13 committed to the Department of
2 Children and Family Services if the court finds that
3 the minor is a danger to himself or others. The minor
4 shall be given credit on the sentencing order of
5 detention for time spent in detention under Sections
6 5-501, 5-601, 5-710, or 5-720 of this Article as a
7 result of the offense for which the sentencing order
8 was imposed. The court may grant credit on a sentencing
9 order of detention entered under a violation of
10 probation or violation of conditional discharge under
11 Section 5-720 of this Article for time spent in
12 detention before the filing of the petition alleging
13 the violation. A minor shall not be deprived of credit
14 for time spent in detention before the filing of a
15 violation of probation or conditional discharge
16 alleging the same or related act or acts;

17 (vi) ordered partially or completely emancipated
18 in accordance with the provisions of the Emancipation
19 of Minors Act;

20 (vii) subject to having his or her driver's license
21 or driving privileges suspended for such time as
22 determined by the court but only until he or she
23 attains 18 years of age;

24 (viii) put on probation or conditional discharge
25 and placed in detention under Section 3-6039 of the
26 Counties Code for a period not to exceed the period of

1 incarceration permitted by law for adults found guilty
2 of the same offense or offenses for which the minor was
3 adjudicated delinquent, and in any event no longer than
4 upon attainment of age 21; this subdivision (viii)
5 notwithstanding any contrary provision of the law; or

6 (ix) ordered to undergo a medical or other
7 procedure to have a tattoo symbolizing allegiance to a
8 street gang removed from his or her body.

9 (b) A minor found to be guilty may be committed to the
10 Department of Juvenile Justice under Section 5-750 if the
11 minor is 13 years of age or older, provided that the
12 commitment to the Department of Juvenile Justice shall be
13 made only if a term of incarceration is permitted by law
14 for adults found guilty of the offense for which the minor
15 was adjudicated delinquent. The time during which a minor
16 is in custody before being released upon the request of a
17 parent, guardian or legal custodian shall be considered as
18 time spent in detention.

19 (c) When a minor is found to be guilty for an offense
20 which is a violation of the Illinois Controlled Substances
21 Act, the Cannabis Control Act, or the Methamphetamine
22 Control and Community Protection Act and made a ward of the
23 court, the court may enter a disposition order requiring
24 the minor to undergo assessment, counseling or treatment in
25 a substance abuse program approved by the Department of
26 Human Services.

1 (2) Any sentencing order other than commitment to the
2 Department of Juvenile Justice may provide for protective
3 supervision under Section 5-725 and may include an order of
4 protection under Section 5-730.

5 (3) Unless the sentencing order expressly so provides, it
6 does not operate to close proceedings on the pending petition,
7 but is subject to modification until final closing and
8 discharge of the proceedings under Section 5-750.

9 (4) In addition to any other sentence, the court may order
10 any minor found to be delinquent to make restitution, in
11 monetary or non-monetary form, under the terms and conditions
12 of Section 5-5-6 of the Unified Code of Corrections, except
13 that the "presentencing hearing" referred to in that Section
14 shall be the sentencing hearing for purposes of this Section.
15 The parent, guardian or legal custodian of the minor may be
16 ordered by the court to pay some or all of the restitution on
17 the minor's behalf, pursuant to the Parental Responsibility
18 Law. The State's Attorney is authorized to act on behalf of any
19 victim in seeking restitution in proceedings under this
20 Section, up to the maximum amount allowed in Section 5 of the
21 Parental Responsibility Law.

22 (5) Any sentencing order where the minor is committed or
23 placed in accordance with Section 5-740 shall provide for the
24 parents or guardian of the estate of the minor to pay to the
25 legal custodian or guardian of the person of the minor such
26 sums as are determined by the custodian or guardian of the

1 person of the minor as necessary for the minor's needs. The
2 payments may not exceed the maximum amounts provided for by
3 Section 9.1 of the Children and Family Services Act.

4 (6) Whenever the sentencing order requires the minor to
5 attend school or participate in a program of training, the
6 truant officer or designated school official shall regularly
7 report to the court if the minor is a chronic or habitual
8 truant under Section 26-2a of the School Code.

9 (7) In no event shall a guilty minor be committed to the
10 Department of Juvenile Justice for a period of time in excess
11 of that period for which an adult could be committed for the
12 same act.

13 (8) A minor found to be guilty for reasons that include a
14 violation of Section 21-1.3 of the Criminal Code of 1961 shall
15 be ordered to perform community service for not less than 30
16 and not more than 120 hours, if community service is available
17 in the jurisdiction. The community service shall include, but
18 need not be limited to, the cleanup and repair of the damage
19 that was caused by the violation or similar damage to property
20 located in the municipality or county in which the violation
21 occurred. The order may be in addition to any other order
22 authorized by this Section.

23 (8.5) A minor found to be guilty for reasons that include a
24 violation of Section 3.02 or Section 3.03 of the Humane Care
25 for Animals Act or paragraph (d) of subsection (1) of Section
26 21-1 of the Criminal Code of 1961 shall be ordered to undergo

1 medical or psychiatric treatment rendered by a psychiatrist or
2 psychological treatment rendered by a clinical psychologist.
3 The order may be in addition to any other order authorized by
4 this Section.

5 (9) In addition to any other sentencing order, the court
6 shall order any minor found to be guilty for an act which would
7 constitute, predatory criminal sexual assault of a child,
8 aggravated criminal sexual assault, criminal sexual assault,
9 aggravated criminal sexual abuse, or criminal sexual abuse if
10 committed by an adult to undergo medical testing to determine
11 whether the defendant has any sexually transmissible disease
12 including a test for infection with human immunodeficiency
13 virus (HIV) or any other identified causative agency of
14 acquired immunodeficiency syndrome (AIDS). Any medical test
15 shall be performed only by appropriately licensed medical
16 practitioners and may include an analysis of any bodily fluids
17 as well as an examination of the minor's person. Except as
18 otherwise provided by law, the results of the test shall be
19 kept strictly confidential by all medical personnel involved in
20 the testing and must be personally delivered in a sealed
21 envelope to the judge of the court in which the sentencing
22 order was entered for the judge's inspection in camera. Acting
23 in accordance with the best interests of the victim and the
24 public, the judge shall have the discretion to determine to
25 whom the results of the testing may be revealed. The court
26 shall notify the minor of the results of the test for infection

1 with the human immunodeficiency virus (HIV). The court shall
2 also notify the victim if requested by the victim, and if the
3 victim is under the age of 15 and if requested by the victim's
4 parents or legal guardian, the court shall notify the victim's
5 parents or the legal guardian, of the results of the test for
6 infection with the human immunodeficiency virus (HIV). The
7 court shall provide information on the availability of HIV
8 testing and counseling at the Department of Public Health
9 facilities to all parties to whom the results of the testing
10 are revealed. The court shall order that the cost of any test
11 shall be paid by the county and may be taxed as costs against
12 the minor.

13 (10) When a court finds a minor to be guilty the court
14 shall, before entering a sentencing order under this Section,
15 make a finding whether the offense committed either: (a) was
16 related to or in furtherance of the criminal activities of an
17 organized gang or was motivated by the minor's membership in or
18 allegiance to an organized gang, or (b) involved a violation of
19 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,
20 a violation of any Section of Article 24 of the Criminal Code
21 of 1961, or a violation of any statute that involved the
22 wrongful use of a firearm. If the court determines the question
23 in the affirmative, and the court does not commit the minor to
24 the Department of Juvenile Justice, the court shall order the
25 minor to perform community service for not less than 30 hours
26 nor more than 120 hours, provided that community service is

1 available in the jurisdiction and is funded and approved by the
2 county board of the county where the offense was committed. The
3 community service shall include, but need not be limited to,
4 the cleanup and repair of any damage caused by a violation of
5 Section 21-1.3 of the Criminal Code of 1961 and similar damage
6 to property located in the municipality or county in which the
7 violation occurred. When possible and reasonable, the
8 community service shall be performed in the minor's
9 neighborhood. This order shall be in addition to any other
10 order authorized by this Section except for an order to place
11 the minor in the custody of the Department of Juvenile Justice.
12 For the purposes of this Section, "organized gang" has the
13 meaning ascribed to it in Section 10 of the Illinois Streetgang
14 Terrorism Omnibus Prevention Act.

15 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)

16 (Text of Section after amendment by P.A. 95-337 and 95-642)
17 Sec. 5-710. Kinds of sentencing orders.

18 (1) The following kinds of sentencing orders may be made in
19 respect of wards of the court:

20 (a) Except as provided in Sections 5-805, 5-810, 5-815,
21 a minor who is found guilty under Section 5-620 may be:

22 (i) put on probation or conditional discharge and
23 released to his or her parents, guardian or legal
24 custodian, provided, however, that any such minor who
25 is not committed to the Department of Juvenile Justice

1 under this subsection and who is found to be a
2 delinquent for an offense which is first degree murder,
3 a Class X felony, or a forcible felony shall be placed
4 on probation;

5 (ii) placed in accordance with Section 5-740, with
6 or without also being put on probation or conditional
7 discharge;

8 (iii) required to undergo a substance abuse
9 assessment conducted by a licensed provider and
10 participate in the indicated clinical level of care;

11 (iv) placed in the guardianship of the Department
12 of Children and Family Services, but only if the
13 delinquent minor is under 15 years of age or, pursuant
14 to Article II of this Act, a minor for whom an
15 independent basis of abuse, neglect, or dependency
16 exists. An independent basis exists when the
17 allegations or adjudication of abuse, neglect, or
18 dependency do not arise from the same facts, incident,
19 or circumstances which give rise to a charge or
20 adjudication of delinquency;

21 (v) placed in detention for a period not to exceed
22 30 days, either as the exclusive order of disposition
23 or, where appropriate, in conjunction with any other
24 order of disposition issued under this paragraph,
25 provided that any such detention shall be in a juvenile
26 detention home and the minor so detained shall be 13 ~~10~~

1 years of age or older. However, the 30-day limitation
2 may be extended by further order of the court for a
3 minor under age 15 committed to the Department of
4 Children and Family Services if the court finds that
5 the minor is a danger to himself or others. The minor
6 shall be given credit on the sentencing order of
7 detention for time spent in detention under Sections
8 5-501, 5-601, 5-710, or 5-720 of this Article as a
9 result of the offense for which the sentencing order
10 was imposed. The court may grant credit on a sentencing
11 order of detention entered under a violation of
12 probation or violation of conditional discharge under
13 Section 5-720 of this Article for time spent in
14 detention before the filing of the petition alleging
15 the violation. A minor shall not be deprived of credit
16 for time spent in detention before the filing of a
17 violation of probation or conditional discharge
18 alleging the same or related act or acts;

19 (vi) ordered partially or completely emancipated
20 in accordance with the provisions of the Emancipation
21 of Minors Act;

22 (vii) subject to having his or her driver's license
23 or driving privileges suspended for such time as
24 determined by the court but only until he or she
25 attains 18 years of age;

26 (viii) put on probation or conditional discharge

1 and placed in detention under Section 3-6039 of the
2 Counties Code for a period not to exceed the period of
3 incarceration permitted by law for adults found guilty
4 of the same offense or offenses for which the minor was
5 adjudicated delinquent, and in any event no longer than
6 upon attainment of age 21; this subdivision (viii)
7 notwithstanding any contrary provision of the law; or
8 (ix) ordered to undergo a medical or other
9 procedure to have a tattoo symbolizing allegiance to a
10 street gang removed from his or her body.

11 (b) A minor found to be guilty may be committed to the
12 Department of Juvenile Justice under Section 5-750 if the
13 minor is 13 years of age or older, provided that the
14 commitment to the Department of Juvenile Justice shall be
15 made only if a term of incarceration is permitted by law
16 for adults found guilty of the offense for which the minor
17 was adjudicated delinquent. The time during which a minor
18 is in custody before being released upon the request of a
19 parent, guardian or legal custodian shall be considered as
20 time spent in detention.

21 (c) When a minor is found to be guilty for an offense
22 which is a violation of the Illinois Controlled Substances
23 Act, the Cannabis Control Act, or the Methamphetamine
24 Control and Community Protection Act and made a ward of the
25 court, the court may enter a disposition order requiring
26 the minor to undergo assessment, counseling or treatment in

1 a substance abuse program approved by the Department of
2 Human Services.

3 (2) Any sentencing order other than commitment to the
4 Department of Juvenile Justice may provide for protective
5 supervision under Section 5-725 and may include an order of
6 protection under Section 5-730.

7 (3) Unless the sentencing order expressly so provides, it
8 does not operate to close proceedings on the pending petition,
9 but is subject to modification until final closing and
10 discharge of the proceedings under Section 5-750.

11 (4) In addition to any other sentence, the court may order
12 any minor found to be delinquent to make restitution, in
13 monetary or non-monetary form, under the terms and conditions
14 of Section 5-5-6 of the Unified Code of Corrections, except
15 that the "presentencing hearing" referred to in that Section
16 shall be the sentencing hearing for purposes of this Section.
17 The parent, guardian or legal custodian of the minor may be
18 ordered by the court to pay some or all of the restitution on
19 the minor's behalf, pursuant to the Parental Responsibility
20 Law. The State's Attorney is authorized to act on behalf of any
21 victim in seeking restitution in proceedings under this
22 Section, up to the maximum amount allowed in Section 5 of the
23 Parental Responsibility Law.

24 (5) Any sentencing order where the minor is committed or
25 placed in accordance with Section 5-740 shall provide for the
26 parents or guardian of the estate of the minor to pay to the

1 legal custodian or guardian of the person of the minor such
2 sums as are determined by the custodian or guardian of the
3 person of the minor as necessary for the minor's needs. The
4 payments may not exceed the maximum amounts provided for by
5 Section 9.1 of the Children and Family Services Act.

6 (6) Whenever the sentencing order requires the minor to
7 attend school or participate in a program of training, the
8 truant officer or designated school official shall regularly
9 report to the court if the minor is a chronic or habitual
10 truant under Section 26-2a of the School Code.

11 (7) In no event shall a guilty minor be committed to the
12 Department of Juvenile Justice for a period of time in excess
13 of that period for which an adult could be committed for the
14 same act.

15 (8) A minor found to be guilty for reasons that include a
16 violation of Section 21-1.3 of the Criminal Code of 1961 shall
17 be ordered to perform community service for not less than 30
18 and not more than 120 hours, if community service is available
19 in the jurisdiction. The community service shall include, but
20 need not be limited to, the cleanup and repair of the damage
21 that was caused by the violation or similar damage to property
22 located in the municipality or county in which the violation
23 occurred. The order may be in addition to any other order
24 authorized by this Section.

25 (8.5) A minor found to be guilty for reasons that include a
26 violation of Section 3.02 or Section 3.03 of the Humane Care

1 for Animals Act or paragraph (d) of subsection (1) of Section
2 21-1 of the Criminal Code of 1961 shall be ordered to undergo
3 medical or psychiatric treatment rendered by a psychiatrist or
4 psychological treatment rendered by a clinical psychologist.
5 The order may be in addition to any other order authorized by
6 this Section.

7 (9) In addition to any other sentencing order, the court
8 shall order any minor found to be guilty for an act which would
9 constitute, predatory criminal sexual assault of a child,
10 aggravated criminal sexual assault, criminal sexual assault,
11 aggravated criminal sexual abuse, or criminal sexual abuse if
12 committed by an adult to undergo medical testing to determine
13 whether the defendant has any sexually transmissible disease
14 including a test for infection with human immunodeficiency
15 virus (HIV) or any other identified causative agency of
16 acquired immunodeficiency syndrome (AIDS). Any medical test
17 shall be performed only by appropriately licensed medical
18 practitioners and may include an analysis of any bodily fluids
19 as well as an examination of the minor's person. Except as
20 otherwise provided by law, the results of the test shall be
21 kept strictly confidential by all medical personnel involved in
22 the testing and must be personally delivered in a sealed
23 envelope to the judge of the court in which the sentencing
24 order was entered for the judge's inspection in camera. Acting
25 in accordance with the best interests of the victim and the
26 public, the judge shall have the discretion to determine to

1 whom the results of the testing may be revealed. The court
2 shall notify the minor of the results of the test for infection
3 with the human immunodeficiency virus (HIV). The court shall
4 also notify the victim if requested by the victim, and if the
5 victim is under the age of 15 and if requested by the victim's
6 parents or legal guardian, the court shall notify the victim's
7 parents or the legal guardian, of the results of the test for
8 infection with the human immunodeficiency virus (HIV). The
9 court shall provide information on the availability of HIV
10 testing and counseling at the Department of Public Health
11 facilities to all parties to whom the results of the testing
12 are revealed. The court shall order that the cost of any test
13 shall be paid by the county and may be taxed as costs against
14 the minor.

15 (10) When a court finds a minor to be guilty the court
16 shall, before entering a sentencing order under this Section,
17 make a finding whether the offense committed either: (a) was
18 related to or in furtherance of the criminal activities of an
19 organized gang or was motivated by the minor's membership in or
20 allegiance to an organized gang, or (b) involved a violation of
21 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,
22 a violation of any Section of Article 24 of the Criminal Code
23 of 1961, or a violation of any statute that involved the
24 wrongful use of a firearm. If the court determines the question
25 in the affirmative, and the court does not commit the minor to
26 the Department of Juvenile Justice, the court shall order the

1 minor to perform community service for not less than 30 hours
2 nor more than 120 hours, provided that community service is
3 available in the jurisdiction and is funded and approved by the
4 county board of the county where the offense was committed. The
5 community service shall include, but need not be limited to,
6 the cleanup and repair of any damage caused by a violation of
7 Section 21-1.3 of the Criminal Code of 1961 and similar damage
8 to property located in the municipality or county in which the
9 violation occurred. When possible and reasonable, the
10 community service shall be performed in the minor's
11 neighborhood. This order shall be in addition to any other
12 order authorized by this Section except for an order to place
13 the minor in the custody of the Department of Juvenile Justice.
14 For the purposes of this Section, "organized gang" has the
15 meaning ascribed to it in Section 10 of the Illinois Streetgang
16 Terrorism Omnibus Prevention Act.

17 (11) If the court determines that the offense was committed
18 in furtherance of the criminal activities of an organized gang,
19 as provided in subsection (10), and that the offense involved
20 the operation or use of a motor vehicle or the use of a
21 driver's license or permit, the court shall notify the
22 Secretary of State of that determination and of the period for
23 which the minor shall be denied driving privileges. If, at the
24 time of the determination, the minor does not hold a driver's
25 license or permit, the court shall provide that the minor shall
26 not be issued a driver's license or permit until his or her

1 18th birthday. If the minor holds a driver's license or permit
2 at the time of the determination, the court shall provide that
3 the minor's driver's license or permit shall be revoked until
4 his or her 21st birthday, or until a later date or occurrence
5 determined by the court. If the minor holds a driver's license
6 at the time of the determination, the court may direct the
7 Secretary of State to issue the minor a judicial driving
8 permit, also known as a JDP. The JDP shall be subject to the
9 same terms as a JDP issued under Section 6-206.1 of the
10 Illinois Vehicle Code, except that the court may direct that
11 the JDP be effective immediately.

12 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06;
13 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; revised 11-19-07.)

14 Section 10. The Unified Code of Corrections is amended by
15 changing Section 3-2.5-65 as follows:

16 (730 ILCS 5/3-2.5-65)

17 Sec. 3-2.5-65. Juvenile Advisory Board.

18 (a) There is created a Juvenile Advisory Board composed of
19 11 persons, ~~appointed by the Governor~~ to advise the Director on
20 matters pertaining to juvenile offenders. The terms of the
21 current members of the Board shall expire on the effective date
22 of this amendatory Act of the 95th General Assembly. The Board
23 shall consist of the following members:

24 (1) one member appointed by the Director of Juvenile

1 Justice;

2 (2) one legislative member appointed by the President
3 of the Senate;

4 (3) one legislative member appointed by the Minority
5 Leader of the Senate;

6 (4) one legislative member appointed by the Speaker of
7 the House;

8 (5) one legislative member appointed by the Minority
9 Leader of the House;

10 (6) one member appointed by the Governor;

11 (7) one member appointed by the Administrative Office
12 of the Illinois Courts;

13 (8) one member appointed by the Secretary of Human
14 Services;

15 (9) one member appointed by the Director of Children
16 and Family Services;

17 (10) one member appointed by all Representatives and
18 Senators jointly from among nominations received from
19 organizations representing a community in Chicago with the
20 highest number of juveniles remanded to the Department of
21 Juvenile Justice; and

22 (11) one member appointed by the Chair of the Illinois
23 Redeploy Illinois Partnership.

24 The members of the Board shall be qualified for their
25 positions by demonstrated interest in and knowledge of
26 juveniles in the justice system ~~juvenile correctional work~~

1 consistent with the definition of purpose and mission of the
2 Department in Section 3-2.5-5 ~~and shall not be officials of the~~
3 ~~State in any other capacity.~~ The members under this amendatory
4 Act of the 95th ~~94th~~ General Assembly shall be appointed as
5 soon as possible after the effective date of this amendatory
6 Act of the 95th ~~94th~~ General Assembly. Appointing authorities
7 shall file notice of appointment with the Department of
8 Juvenile Justice, Clerk of the House and Secretary of the
9 Senate. All ~~and be appointed to staggered terms 3 each expiring~~
10 ~~in 2007, 2008, and 2009 and 2 of the members' terms expiring in~~
11 ~~2010. Thereafter all~~ members will serve for a term of 3 ~~6~~
12 years, except that members shall continue to serve until their
13 replacements are appointed. Any vacancy occurring shall be
14 filled in the same manner for the remainder of the term. The
15 Director of Juvenile Justice shall be an ex officio member of
16 the Board. The Board shall elect a chair from among its
17 appointed members. The Director shall serve as secretary of the
18 Board. Members of the Board shall serve without compensation
19 but shall be reimbursed for expenses necessarily incurred in
20 the performance of their duties. The Board may begin to conduct
21 business upon appointment of a majority of its members. The
22 Board shall meet at least quarterly and at other times at the
23 call of the chair. The Board may conduct meetings by
24 telecommunication where possible to minimize travel expenses,
25 and shall utilize existing resources, including existing data
26 from JMIS and from the juvenile justice reports from the

1 Illinois Criminal Justice Information Authority, as well as
2 reports from the Department of Juvenile Justice. The Board may
3 receive administrative support and funding through specific
4 appropriations available for its purposes made to the
5 Department of Juvenile Justice or through private grants
6 specified for the purposes of this Section, or both.

7 (b) The Board shall:

8 (0.05) By December 1st of each year, be provided by the
9 Department with the following information for its review
10 and comment:

11 (A) the proposed annual operating plans and budget
12 for the next fiscal year;

13 (B) any long-range plans;

14 (C) data on the youth held within the Department of
15 Juvenile Justice, including demographic information
16 such as race, age, venue and sex; committing offenses;
17 whether Redeploy Illinois efforts were utilized prior
18 to commitment; length of stay and recidivism data;

19 (D) training programs and policies;

20 (E) staffing levels;

21 (F) disciplinary policies; and

22 (G) any other information relevant to the
23 management and operation of the Department.

24 (0.06) Advise the Department on all aspects of the
25 Department's responsibilities under this Act. It shall be
26 the Board's responsibility to monitor the development of

1 the annual budget, along with the implementation of
2 programs and policies consistent with the intent of the
3 Department of Juvenile Justice to shift Illinois to a
4 treatment mode of care for its youth in confinement, to
5 ensure that youth are adequately prepared for reentry as
6 soon as possible, and to develop a comprehensive community
7 based continuum of alternatives to confinement to ensure
8 that confinement is used only as a last resort and for as
9 short a time as possible. The Board shall place particular
10 emphasis on the development of adequate training for staff,
11 adequate programming within the facilities, adequate
12 reentry planning and programming, and appropriate
13 discipline consistent with a treatment philosophy.

14 (1) (Blank) ~~Advise the Director concerning policy~~
15 ~~matters and programs of the Department with regard to the~~
16 ~~eustody, care, study, discipline, training, and treatment~~
17 ~~of juveniles in the State juvenile correctional~~
18 ~~institutions and for the care and supervision of juveniles~~
19 ~~released on parole.~~

20 (2) Establish, with the Director and in conjunction
21 with the Office of the Governor, outcome measures for the
22 Department in order to ascertain that it is successfully
23 fulfilling the mission mandated in Section 3-2.5-5 of this
24 Code. The annual results of the Department's work as
25 defined by those measures and data outlined in paragraph
26 (0.05) of this subsection (b), including a detailed summary

1 of the reduction or increase in youth population along with
2 reasons for such change, shall be approved by the Board and
3 shall be included in an annual report transmitted by the
4 Department to the Governor and General Assembly ~~jointly by~~
5 ~~the Director and the Board.~~

6 (3) By December 30, 2010, conduct a study and make
7 recommendations to the Director, Governor, and General
8 Assembly concerning:

9 (A) appropriateness of confinement of youth guilty
10 of misdemeanor offenses;

11 (B) appropriateness of confinement of youth based
12 on technical probation and parole violations;

13 (C) appropriateness of parole system for youths,
14 and average length of parole;

15 (D) availability of alternative placements for
16 youth who have served their time but have no placement;

17 (E) availability of community based programming
18 for youth or low level offenders, or both, including
19 technical violators; and

20 (F) funding of confinement and of alternative
21 community based programming for young or low level
22 offenders, or both.

23 (Source: P.A. 94-696, eff. 6-1-06.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".